

August 25, 2020

Regular meeting of the Mayor and Council of the Borough of Victory Gardens held on August 25, 2020.

In Mayor Holemans absence, Council President Hedgepath called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilman Glass (Remote),
Councilwoman Hedgepath, Councilman Lorenzo, Councilwoman
Garcia Montes.

ABSENT: Councilwoman White and Mayor Holeman.

** Attorney Feintuch was also present at this meeting.

Motion to accept the minutes of July 28, 2020 as received by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote.
Councilman Lorenzo abstained.

CORRESPONDENCE:

FEINTUCH, PORWICH & FEINTUCH - I have reviewed the 5 proposals for the firehouse work. I concur with Leon Hall that the award be given to AJM Contractors in the amount of \$66,200.00 .

MC BOARD OF CHOSEN FREEHOLDERS - There will be a remembrance service to be held on Sunday, September 13 at 6:00 p.m. This is marking the 19th anniversary of the national tragedies that shook our nation on September 11, 2001. If you will be attending please let us know.

JCP & L - They are looking for a rate increase. Public hearings will be held on 8/28/20 at 1 p.m., 4 p.m, and there is a dial in number for anyone that wishes to participate. Let me know and I will give you the information to call in.

SCHOOL CHILDREN - The Clerk said she gave the Mayor and Council an update on the children going to school. We have had 115 children register with us for the new school year. Dover is doing the bus passes through the mail. I sent the paperwork to Dover for all those that came in and registered with us. With that paperwork, they will then issue the bus passes. I also put in the note that we have 15 high school kids that fall in the mileage so they can walk to school. However, we still need to have two buses for the high school so there is no reason to have those 15 walk when we still have to have 2 buses.

ROCKAWAY TOWNSHIP BOARD OF HEALTH - There are 5 new cases of COVID in Victory Gardens. That was as of 8/3/20. All have been under care, all are good. We have 46 cases positive and negative tests were 156.

Motion to accept the correspondence as received by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

VOUCHERS:

Council Preseident Hedgepath asked if there are any questions on the vouchers?

Councilwoman Montes asked about #8-35 Upbeat Site Furnishings - The cans were put out today on the corner of Roosevelt and Adams and the other one by 305 Washington Avenue by Brook Run Apartments. Councilwoman Montes said that is very expensive for 2 cans. They are exactly the same as the other ones we have throughout the town and this is what we always pay. We get them with the Clean Communities money. The other one is #8-34 for Randolph sewer. That is not a bill. That is a voucher that should have been sent to Randolph forthem to pay us. That will be voided.

Councilman Lorenzo said that #8-30 for the auditors. What isthat for? It is for the Audit. The FAST is what the State wants every town to do for thier audit. It is something that we have to do every year now. Usually we have to do this as one item. Joe wanted it as two items.

VOUCHER REPORTS

Date of Council Meeting:

August 25, 2020

<u>Voucher #</u>	<u>Payable to:</u>	<u>Type of Service</u>	<u>Amount</u>
8/17/2020	Amsterdam Printing & Litho	Clerk OE	51.85
8/18/2020	ATT	Utilities	94.69
8/19/2020	City Connections	Clerk OE	1,900.00
8/20/2020	Dover Bd. Of Ed.	School Taxes	92,746.67
8/21/2020	Gannett New Jersey Newspapers	Clerk OE	149.38
8/22/2020	Glass Gardens, Inc. - ShopRite	Clerk OE - Flowers for B. Palumbo	37.98
8/23/2020	Herbert Evans	Bldgs. & Grnds.	350.00
8/24/2020	Horizon Blue Cross Blue Shield of NJ	Other Insurance	910.47
8/25/2020	JCP&L	Fire OE	147.61
8/26/2020	JCP&L	Utilities	559.46
8/27/2020	JCP&L	Street Lighting	621.91
8/28/2020	JLM Computers	Clerk OE	95.00
8/29/2020	Morris County MUA	Streets & Roads	459.00
8/30/2020	Nisivoccia	Finance - Audit	16,440.00
8/31/2020	Phil Feintuch, ESQ	Legal Services OE	2,104.17
8/32/2020	Rubinetti, Peter - Private Disposal	Trash Removal	10,933.33
8/33/2020	RVRSa	RVRSa Share	11,269.00
8/34/2020	Township of Randolph	Road OE - Sewer	136.99 VOID
8/35/2020	Upbeate Site Furnishings	Clean Comm. Two trash cans	2,174.46
8/36/2020	Verizon - # 2 - 366-5312	Utilities	247.31
8/37/2020	WEX Bank - Shell Gas	Road OE	382.88
8/38/2020	VSP - Vision Care	Group Insurance	98.70
TOTAL			141,910.86

Motion to approve the vouchers for payment, except #8-34. Motion made by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

DEPARTMENT REPORTS:

BUILDING DEPARTMENT - 2 permits issued. Total value of construction: \$1,300.

PROPERTY MAINTENANCE - Everyone has a copy of the report.

MUNICIPAL COURT - \$18.52 collected. They are still doing zoom court. I think Ron said he has to appear next week.

TAX COLLECTOR - Total Tax Receipts Month To Date: 210,185.78
Total Tax receipts Year To Date: 1,197,046.77

REGISTRAR - 1 marriage license issued. Total collected: \$28.00

COMMITTEE REPORTS:

Councilwoman Cheatham - Nothing.

Councilman Glass - Nothing.

Councilwoman Hedgepath - Nothing.

Councilman Lorenzo - Councilman Lorenzo said that the sidewalk needs to be repaired here at the building and also the railing needs to be painted. We mentioned to Eddie that the railing needs to be painted. Every day we are supposed to be getting rain. So once we are clear, we will have them paint it. I will have Eddie look at the sidewalk and see if he can do repair it.

Councilwoman Garcia Montes - Nothing. People that are coming off Franklin Road at the top of the hill and walking on Monroe. There is no sidewalk there. We should get a sidewalk in there. That is something, the Clerk said to remember next year for Community Development.

Motion to accept and put on file all reports by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

NEW BUSINESS:

ACCEPT BID FOR FIREHOUSE DRIVEWAY AND PARKING LOT - After discussion on this project, the Council is not sure what is covered under the contract and asked the Clerk to get more clarification from the Engineer.

The prices ranged from \$135,115.00 to a low of \$79,155.00 from AJM Contracting.

Council wants to hold off on this until we make sure all driveways are being done under this grant.

GENERAL CODE - Codification of the code book. The Clerk said everyone has a copy of the cost for update. Attorney Feintuch explained what the codification is. The Clerk said the update is \$6,468. They also have something in here for ecode at a cost of \$1,195. This is an annual fee. It would make it easier for people to look up any of our codes. They will have the updates just like the Council has. I asked the company several times about the ecode and is it mandatory that the town do this but I never get an answer back from them.

Councilwoman Montes asked why can't the Clerk or the Secretary do this? The paper is a special size Councilwoman Cheatham said. Also, the Clerk or the Secretary doesn't have time to do this. They are professionals and this is what they do. We will get the pages to add to the books that you already have. The Clerk said as you pass Ordinances I keep a copy for this company. So when we are updating the book I send them all the new items to go into the book.

Council agreed to table this until the next meeting.

MEDICAL MARIJUANA DISPENSORY - I gave Council information that I gave to everyone regarding the dispensary. Someone called us about putting a dispensary in at the ShowPlace. This is up to the Council as to what you want to do. If we have it we will have them pay a fee every year - like a liquor licensee would do. We have nothing on the books at this time. So if you want to do something, or not, we need to have an ordinance. This has to get to the Planning Board.

Councilman Lorenzo asked what the benefit is to us? You will get a fee for the license. Then if the Governor approves all this, then we should get money back from the State for having the dispensary here.

The Attorney said the law probably stipulates what the fees are and what the towns can charge.

Council said it is okay to send this to the Planning Board and have them do the ordinance.

Motion made by Councilwoman Montes, seconded by Councilman Lorenzo and approved on roll call:

Councilwoman Cheatham	No
Councilman Glass	No
Councilwoman Hedgepath	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

NEW BUSINESS CONTINUED:

ORDINANCE FOR FIREHOUSE DRIVEWAY AND PARKING LOT - This is being held off on until we get more information from Leon Hall.

FORM OF RESOLUTION AND APPROVAL OF THE 2019 AUDIT -

STATE OF NEW JERSEY
COUNTY OF MORRIS

We, members of the Governing Body of the Borough of Victory Gardens, in the County of Morris, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Mayor and Council of the Borough of Victory Gardens in the County of Morris;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2019
3. We certify that we personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) <u>Vera C. Cheatham</u>	(L.S.) _____
(L.S.) <u>Ernesta Martin-Montes</u>	(L.S.) _____
(L.S.) <u>Kendyll Dypall</u>	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____

Seborah Evans
Signature of Borough Clerk

Sworn and subscribed before me this
25th day of August 2020

Notary Public of New Jersey

The Municipal Clerk of the Borough of Victory Gardens, Morris County shall set forth the reason for the absence of signature of any members of the Governing Body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625 .

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION

WHEREAS, N.J.S.A.40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year _____ has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C.5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty five days after the receipt of the Annual Audit, pursuant to N.J.A.C.5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

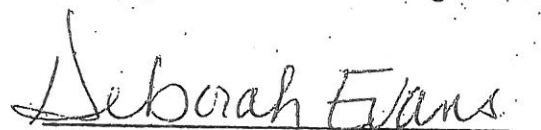
WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S.52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (DLGS) under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Victory Gardens, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mayor David L. Holeman, Jr.

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of the Resolution passed at a meeting held on 8-25-2020.


Deborah Evans, Borough Clerk

Public Portion Continued -

Jim Janone - About the codification, you have a secretary. Why doesn't she type up all your ordinances in word format so as you change them she can do it. It isn't that hard. No, it may not be hard, but she doesn't have time to type up all those ordinances. Firehouse paving do you know Leon gets about 20% as a fee? I know you went with the lowest bidder on this project and you are still having to pay out about \$14,000 in order to come up with the contract is paying out. We know that. You still have to pay Leon. Yes. The other money that comes out is out of our Capital Improvement Fund. Your minutes for these past few months have not reflected that Jim Glass votes and attends these meetings remotely, The Clerk said she will make a note and put it in the minutes. There are a lot of signs in town that are faded. When are we going to replace those? We ordered signs we are waiting on the company to process and for Joe to let us know we have the money to get them. We have already replaced some but there are alot that are faded so we are doing so many at a time. Street lights are out all over town. As we get calls in we contact JCP & L forthem to fix them. you jsut gave us 2 today. It has been called in. Did anyone ever hear of the Local Government Budget review Program? You should look into it. The toilet behind the mini mall is still out there. The owner was told about it and it was written up. You jsut brought this to our attention2 weeks ago. Does anyone know what the cost of bsuing will be this year? No. I speak with Dover at least 3 times a week. From what they told me they haven't done any contracts for busing because they don't know what they are doing yet. Right now there is no busing because the kids aren't going to school. Jim said he received something from Dover today that busing is going up to \$272,160 for this year compared to last year where it cost \$264,446. I asked if they have a busing contract and she didn't know. The Clerk said that when she spoke ti them they told me there was no contract at this time.

Gina Brisson - I just want to make a comment about the codification of ordinances. I don't understand how we a re in 2020 and we still rely on paper. It should be more of a paperless system. Proof of that is what happened with COVID and how everything is virtual now. You should have the ecode for the codification. In case anyone from the public wants to look anything up it would be much easier for us. Gina thanked the Attorney for explaining what the codification is as there are people in the audience that may not know what that is. Are you guys governed by the Roberts Rules of Order? Yes. The way motions are being made is incorrect. It should be "I move to". Then make the motion. There seems to be some type of unrest between you guys. A council member should not feel like they have to vote yes or no. Ifthere is unreadiness or missing information than the discussion should be tabled. Also, if someone doesn't second your motion - it isn't required that someone second your motion - it should be stopped or tabled because you shouldn't have a hesitancy to second. This is just my thought, in regards tothe medical marijuana dispensary, I don't have a problem with people having them in their towns, but we already have a strip club, Councilwoman Montes and the Clerk said the ShowPlace is trying to sell the property. They haven't been conducting the business the Clerk said. I understand we need money as the town, but not all money is good money. I noticed that the playground is open. Are we santitizing it everyday? No. I'm happy the playground is open because now the kids aren't climbing the fence - but at this point it needs to be cleaned.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

Submitted By:

Deborah Evans

Deborah Evans
Borough Clerk

NEW BUSINESS CONTINUED:

FORM OF RESOLUTION AND APPROVAL OF 2019 AUDIT CONTINUED -

Everyone has a copy of the Resolution. The two things in the audit are the same 2 comments we have every year. Councilwoman Montes asked if the comments are the same as every year. Yes. They want management to have more involvement in the collection, disbursing and recording of the monies for segregation of duties.

The Clerk said she doesn't know how we can have more segregation of duties on collecting monies. Deb adn I collect the money as people and/or banks pay it. We do the deposits. Joe gets the deposits to look over. Karen posts the deposits. I don't know how much more we can do. We don't have anymore people that work here.

The other one is the accounting system with the encumbrance. The encumbrance system is a bunch of different things that you can get from this accounting. It also basically numbers all your stuff that you have in the town hall.

Motion was made to approve the Audit and the resolution by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilman Lorenzo	Abstain
Councilwoman Garcia Montes	Yes

The Clerk said she wanted to mention - several meetings ago we were talking about the tax increase we were going to have because we had 61 new kids move into Victory Gardens and that there would be an increase in taxes of \$700 per household for this year. After much back and forth with Dover, and giving them the funding formula they recalculated what we owe and the new amount is \$240.33 for the year. This is based on a house assessed at \$166,900. This is the figure that the Tax Collector gave me.

Dover was originally going back to class but now they are not. They are holding off until after the first marking period. At that time they will reassess if school will be in person or remote for the entire year.

If they are remote, there will be no buses running. Therefore, we should see a reduction because of that also. I speak to them at least 3 times a week and right now they aren't doing any contracts for busing until they figure out what they are doing.

The Attorney said we should try to find out about who talks the contracts with the bus companies. They (Dover) have no stake in this. We are the ones paying. Call the Superintendent and see what he says.

Councilwoman Montes asked if the residents would receive something saying about the taxes going down? I sent out a flier notifying the residents of the increase. The tax bills when they go out will reflect the correct amount. Money that was already paid with the August payment will also be reflected. If there was an overcharge, the residents will see that on their tax bill. Those bills should go out in late September or early October. Taxes aren't due again until November 1.

Motion was made to open the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbalvote. None opposed.

Joan Cegelka - You mentioned the estimated tax bill that went out. Was that based on the \$700 increase? Yes, but it was only a minor percentage. The marijuana dispensory is there any other one in the area that you can contact? I called around to several towns. They don't have it in their towns. I believe Green has one and they were going to send me a copy. Is this the medical marijuana that you need a prescription for? Yes. Will it be any of the creams that they also have on the market? That I don't know that would all be talked about when they go before the Planning Board. The audit - the encumbrance that is when you set it up and it does almost everything for you. What is Joe using? Quick Books. Didn't we pay to have Edmunds? No, Derek wanted it and he asked the Council about it and they approved for him to get it. He went to another town and never got it. Joe wants quick books. Council should tell Joe to get it.